IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE NO.203 OF 2003
IN
AWARD DATED 12TH SEPTEMBER,2000

Kotak Mahindra Bank Ltd .. Plaintiff

vs

Elbee Airlines & ors .. Defendants

Mr.Dinesh Purandare withMr.B.B.Saraf i/b Kartikeya & Asso.for Claimants
Mr.F.Punniwala with Mr.P.N.Mehta i.b Desai & Chinoy for Respt no.3
Mr.D.Shukla i.b M.U.Pandey for Respt no.2

CORAM : SMT R.S.DALVI, J

DATE : 1st March, 2007

P.C.

1. This notice is taken out under the provisions of Order 21 Rule 22 of C.P.C. against the two respondents. The claimants/award holder desires to execute the award against one Elbee Express Ltd who are not the respondents in this notice. It is the case of the claimants that Exbee Express Ltd is in fact the alterego of respondent no.2 though strictly under the provisions of Order 21 Rule 22 (a) (b) or (c) of C.P.C. the said Elbee Express Ltd does not fall, the decree is sought to be executed against them. Consequently, the notice to Elbee Express Ltd requiring them to show cause why the decree should not be executed against them is required to be given. The claimants are given leave to amend the notice to include Elbee Express Ltd as respondent no.3.

2. Amendment shall be carried out by tomorrow.

Copy of the notice shall be served upon advocate for respondent no.3 who are present in court to show cause against Chamber Summons No.1392 of 2004. Advocate for the proposed respondent no. 3 waives service of the notice.

3. Notice as well as the Chamber Summons are adjourned to 22nd March 2007 for hearing.

(Smt R.S.Dalvi,J)